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Attorneys For Secured Creditor: Wells Fargo Bank,

N.A.

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

In Re:

KEITH W. NELMS KATHLEEN P. NELMS Order Filed on June 15, 2017 by Clerk U.S. Bankruptcy Court District of New Jersey

Case No: 17-10060 - MBK

Hearing Date: 07/11/2017

Judge: Michael B Kaplan

### CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION

The consent order set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

**DATED: June 15, 2017** 

Honorable Michael B. Kaplan United States Bankruptcy Judge NJID 787012 PHELAN HALLINAN DIAMOND & JONES, PC 400 Fellowship Road, Suite 100 Mt. Laurel, NJ 08054

856-813-5500 Attorneys for WELLS FARGO BANK, N.A.

## UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEW JERSEY

IN RE:

KEITH W. NELMS CASE NO. 17-10060 - MBK

KATHLEEN P. NELMS

CHAPTER 13

Debtors CONSENT ORDER RESOLVING

**OBJECTION TO CONFIRMATION** 

HEARING DATE: 07/11/2017

This Consent Order pertains to the property located at 119 DRIFTWOOD LANE, LANOKA HARBOR, NJ 08734-2816, mortgage account ending with "1774";

**THIS MATTER** having been brought before the Court by, George E. Veitengruber, III, Esquire attorney for debtors, KEITH W. NELMS, KATHLEEN P. NELMS upon the filing of a Chapter 13 Plan, **WELLS FARGO BANK, N.A**.(hereinafter known as Wells Fargo) by and through its attorneys, Phelan Hallinan Diamond & Jones, PC having filed an Objection to the Confirmation of said Chapter 13 Plan and the parties having subsequently resolved their differences; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and for other and good cause shown:

### IT IS on the day of , 2017, ORDERED as follows:

- 1. The secured creditor, Wells Fargo, shall be permitted to file a secured Proof of Claim after Confirmation. The arrears reflected in said to-be-filed secured Proof of Claim will be approximately **\$28,482.42**.
- 2. The Trustee is authorized not to pay the secured arrearage claim (Proof of Claim to be filed shortly) of Wells Fargo for the purpose of allowing the Debtors to apply and potentially complete a loan modification. Should the Debtors qualify for a loan modification, the loan modification must be approved no later than **August 1, 2017**.
- 3. If Loan Modification is approved, Wells Fargo shall file an Amended Proof of Claim showing the amount of arrears paid to date by the Trustee.
- 4. If a loan modification is not approved by **August 1, 2017**, the debtors shall do one of the following: 1) file a Modified Plan to cure the arrearage claim of Movant; or 2) file a

Modified Plan to surrender the property subject to said claim; or 3) a Notice to Convert to Chapter 7; or 4) a Notice to Dismiss Case.

- 5. Debtors acknowledge that the monthly post-petition mortgage payment amount is subject to change in accordance with the terms of the note and mortgage.
- 6. Debtors shall tender adequate protection payments to Wells Fargo as required by the Loss Mitigation Program (LMP). The adequate protection payments will continue only while the Debtors is in LMP. If the Debtors fails to make adequate protection payments, Wells Fargo will file an Application for Early Termination of LMP. Once the Loss Mitigation Program terminates the Debtors shall cease tendering the reduced adequate protection payments and begin making regular monthly mortgage payments to Wells Fargo as required by the mortgage and note.
- 7. This Consent Order shall be incorporated in and become a part of any Order Confirming Plan in the herein matter.

The undersigned hereby consent to the form, Content and entry of the within Order:

# PHELAN HALLINAN DIAMOND & JONES, PC Attorneys for Secured Creditor: WELLS FARGO BANK, N.A.

/s/ Michael Dingerdissen
Michael Dingerdissen, Esq.
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Dated: 5/10/2017

Dated: 6/09/2017

/s/ George Veitengruber
George E. Veitengruber, III, Esquire
Attorney for debtors